

REMARKS

Claims 1 - 13 remain in this application. Claim 14 has been canceled. Claim 1 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 1 has been amended to include the limitation that the baffle substantially prevents any light from the first light path (a) from exiting the ophthalmoscope through the second window. This limitation is taken from claim 14, which was found allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claim 14 has been canceled. Claim 1 also has been amended to correct a grammatical error: "an user" now reads --a user--.

In the Office Action, the drawings were objected to as having poor line quality. Applicant has amended the drawings as shown on the Replacement Sheets 1/5 through 5/5 included with this response.

Claims 1 - 5, 7, 9, and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by Applicant Admitted Prior Art (AAPA), namely FIG. 3. Applicant respectfully traverses this rejection.

To begin, claim 1 has been amended to essentially include the limitation of claim 14, which was found allowable. Therefore, applicant submits that claim 1 is allowable for this reason.

Further, the Office Action states that the prior art apparatus shown in FIG. 3 includes a first light path (a), a reflective means (3) arranged to divert light from the first light path (a) along a second light path (b) extending through a first window to a subject's eye (9). Applicant does not dispute this statement.

However, the Office Action proceeds to state that FIG. 3 discloses a baffle (6) arranged between the first light path (a) and the second window. Applicant respectfully disagrees with this statement. In contrast to this statement, the baffle in FIG. 3 is arranged on the outside of the second window, i.e. between the second window and path (c). Furthermore, as can be seen in FIG. 3, both the baffle and the reflective means (3) actually

have apertures to allow light from light path (a) to exit through the second window and then to carry on straight and towards the user's eye (10) (and presumably all paths in between) as shown by path (c). The baffle is NOT arranged between the first light path (a) and the second window to substantially prevent any light from the first path (a) from exiting through the second window, as claimed in claim 1. In fact, it can be seen that in the present invention, the reflective means has no aperture to allow light from the first light path (a) to exit through the second window, and the baffle is arranged on the inner side of the second window to substantially prevent light from the first light path (a) from exiting through the second window.

In the apparatus shown in FIG. 3, the light path (c) allowing the user (10) to look through the second window and then along light path (b) through the first window at the subject's eye (9), is actually arranged to be in the middle of the light path (b) reflected from light path (a) to the subject's eye (9), since it comes through the aperture in the baffle and in the reflective means. On the other hand, in the present invention the light path (d) of the user looking at the subject's eye (9) is arranged to be substantially parallel to, but alongside rather than within the light path (b). This is because neither the baffle nor the reflective means in the present invention have an aperture.

For these reasons, applicant submits that amended claim 1 is patentable over AAPA. Claims 2 – 5, 7, 9, and 10, depending directly or indirectly from claim 1, are therefore also patentable over AAPA.

Hence, claims 1 – 5, 7, 9, and 10 are not anticipated by AAPA, and applicant respectfully requests that the Section 102(e) rejection of claims 1 – 5, 7, 9, and 10 as being anticipated by AAPA be withdrawn.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Epitropoulos (U.S. Patent No. 6,783,239). Applicant respectfully traverses this rejection. Applicant incorporates by reference the arguments made with respect to the patentability of claim 1 over AAPA above. Based upon those arguments, claim 1 is patentable over AAPA, and any combination of AAPA with Epitropoulos. Claim 6,

depending directly from claim 1, is therefore also patentable over the combination of AAPA and Epitropoulos.

For these reasons, claim 6 is not obvious in view of the AAPA and Epitropoulos, and therefore applicant respectfully requests that the Section 103(a) rejection of claim 6 be withdrawn.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Lo (U.S. Patent Application Pub. No. 2004/0012759). Applicant respectfully traverses this rejection. Applicant incorporates by reference the arguments made with respect to the patentability of claim 1 over AAPA above. Based upon those arguments, claim 1 is patentable over AAPA, and any combination of AAPA with Lo. Claim 8, depending directly from claim 1, is therefore also patentable over the combination of AAPA and Lo.

For these reasons, claim 8 is not obvious in view of the AAPA and Lo, and therefore applicant respectfully requests that the Section 103(a) rejection of claim 8 be withdrawn.

Claims 11 - 13 were objected to as being dependent upon a rejected base claim, but were found allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As stated above, applicant submits that claim 1 is allowable. Therefore, claims 11 - 13, depending from claim 1, are also in allowable form.

A Petition for a Two-month Extension of Time and a PTO-2038 authorizing payment in the amount of \$225.00 to cover the fee under 37 CFR 1.17(a)(2) is included with this response.

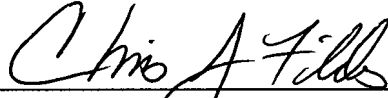
This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

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Respectfully submitted,

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Fildes & Outland, P.C.

A handwritten signature in black ink, appearing to read "Chris J. Fildes", written over a horizontal line.

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